

AUG 24 1998

3. Any applicant who refuses to be tested will be denied employment.

Section K. Failure to Provide a Sample

1. Insufficient Sample. An employee should be given a reasonable amount of time to provide the sample. If an employee is unable to provide at least 30 milliliters of urine, the sample should be submitted, the temperature checked and the partial specimen should be placed in a secure area. The following steps should then be taken:

- a. The employee will be asked to drink sufficient fluids and will remain at the collection site within view of the DPC or CSC until he/she is able to provide a sufficient sample.

- b. When the employee is ready to provide the second specimen, he/she will void into a new clean specimen container and the temperature of that sample will be checked. Chapter IV provides procedures to be followed if the temperature is outside the range.

2. Unable to Void. If the employee is unable to void, he/she should be asked to drink sufficient fluids to facilitate urination. The employee will be required to remain at the collection site within the view of the DPC or CSC until ready to provide the sample.

3. Under either of these conditions, the DPC may elect to release the employee. Such a release will be treated in the same manner as a deferral. (The DPC will reschedule the employee for unannounced testing within the next 60 days.)

Section L. Failure to Report to the Designated Collection Site

1. An employee who fails to appear for any type of testing (except for an approved deferral) will be charged with failure to follow a direct order. The same type of disciplinary action will result as in a first-time positive test result.

2. An applicant's failure to appear for a test will result in cancellation of any tentative offer of employment.

AUG 24 1998

CHAPTER II
SAFE HARBOR

1. Executive Order 12564 allows agencies to provide an opportunity for assistance to those employees who voluntarily seek treatment for drug use. Safe harbor insulates the employee from discipline for admitted acts of using illegal drugs when the agency is unaware of such use. Safe harbor will be offered to any employee who meets all of the following conditions:

- a. Voluntarily identifies himself or herself as an illegal user of drugs to the Commander via the immediate supervisor and the DPC, prior to being identified through other means.
 - b. Obtains counseling and rehabilitation through the CEAP or other source selected by the employee.
 - c. Agrees to be tested as part of and as a follow-up to counseling and rehabilitation.
 - d. Consents, in writing, to the release to appropriate management and CEAP officials of all counseling and rehabilitation records related to the illegal use of drugs.
 - e. Subsequently refrains from illegal use of drugs.
- Appendix C will be used by any employee requesting safe harbor.

2. An employee who admits to drug use after being notified that he/she is scheduled for a test or just after a sample is collected, or who is found to use drugs on the basis of other appropriate evidence (e.g., direct observation or evidence obtained from an arrest or criminal conviction) is not eligible for safe harbor. For example, an employee arrested over the weekend on drug-related charges is released and reports to work as usual on Monday requesting safe harbor. Since the Commander is unaware of the arrest, he/she signs the agreement. A safe harbor agreement signed under these circumstances will be considered invalid and obtained by the employee under false pretenses. Any request or agreement denied or invalidated must be fully documented and maintained by the DPC. Further, safe harbor is for illegal users of drugs, not drug dealers or those involved in other drug-related misconduct.

3. An employee who meets the safe harbor conditions will be advised that he/she will not be subject to discipline for admitted acts of illegal use of drugs, including possession incident to such personal use. However, if the employee occupies a TDP, subject to random testing, he/she must immediately be removed from that position. In addition, if the employee holds a current security clearance, the provisions of reference (d) apply. Agency officials are not relieved of their obligation to take appropriate action to protect national security information when they are made aware of information reflecting unfavorably on

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AUG 24 1998

an individual's reliability or trustworthiness. Thus, an employee's admission of drug use under the safe harbor provision may be used by activity security personnel for access and clearance determinations. A notice to this effect (Appendix C) is to be given to all new Crane employees.

AUG 24 1998

CHAPTER III
TESTING DESIGNATED POSITIONS

Section A. Notifying Employees of Testing Designated Positions (TDP)

1. Each employee in a TDP must be issued an individual notice with the Commander's signature, at least 30 days before that employee is subject to unannounced random testing. In addition, each employee moving from a non-TDP will receive an individual notice and will not be subject to random testing for at least 30 days following issuance of the notice.

a. Each employee in a TDP will be required to acknowledge in writing that:

(1) He/she has received and read the notice which states that the employee's position has been designated for random drug testing.

(2) He/she understands that refusal to submit to testing will result in administrative action and the initiation of disciplinary action, up to and including removal.

b. If the employee refuses to sign the acknowledgment, the employee's supervisor will sign and date the acknowledgment form to show that the employee received the notice. An employee's failure to sign the notice will not preclude testing of the employee.

c. The signed acknowledgment form or the form with the supervisor's note will be returned to the DPC for retention.

2. An employee who believes his or her position has been wrongly designated as a TDP may request review of that determination as follows:

a. Non-bargaining Unit Employees. The request must be submitted by the employee in writing to the Commander via the DPC, within 15 days of receipt of the individual notice. It must set forth the reasons why the employee believes it should not be a TDP and include all other relevant information. The Commander will review the request based on the work assignments performed by the employee as compared to the criteria in Appendix E, CPI 792.3 which led to the conclusion that the employee's position was properly designated as a TDP and will issue a final written decision. This decision is not subject to further review nor is it grievable under the administrative grievance procedure.

b. Bargaining Unit Employee. A bargaining unit employee covered by a collective bargaining agreement who seeks review of the designation of his or her position as a TDP must grieve the designation under the negotiated grievance procedure, provided

AUG 24 1998

the agreement does not exclude these decisions from that procedure.

c. Seeking review of the TDP determination will not exempt the employee from random testing during the review process or negotiated grievance procedure.

Section B. Changes Affecting TDP Designation

1. An employee who is detailed, temporarily promoted or reassigned to a TDP regardless of paperwork will be subject to random drug testing during that period, provided that the assignment is expected to exceed 30 days. Since testing of the employee prior to temporary placement will not be required, the employee will be issued the individual 30-day notice when he/she enters the position. The employee will be subject to unannounced random testing 30 days after receiving the notice.

2. If an employee is temporarily promoted or reassigned out of a TDP for over 30 days, the employee should be issued another individual notice upon reentry. However, if the employee is only detailed out of his or her permanent TDP, no notice is required because the employee remains in his or her permanent position.

3. A notice need not be issued if an employee moves between two TDPS.

Section C. Procedures and Criteria for Changing a Testing Designated Position List

1. The identification of positions as TDPs is viewed as an ongoing process.

2. The Commander may request additions to or deletions from the Testing Designated Position list. These requests must be submitted through the proper chain of command, for endorsement. A request must contain:

a. The exact title including any parenthetical reference, pay plan and series of each position; and

b. The job description and justification for including the position on the TDP list as it relates to the criteria of law enforcement, national security, the protection of life and property, public health and safety or other functions requiring a high degree of trust and confidence as described in E.O. 12564 (see Appendix E, CPI 792.3); or

c. The reasons why the position should be deleted from the TDP list in sufficient detail to support the request.

3. If the chain of command determines the requested addition meets the criteria and justification for inclusion on the TDP list, the request will be forwarded to the Department of Justice

AUG 24 1998

(DOJ) for approval/denial. If approved by DOJ, the position will be added to the list. Positions with exact titles may then be added to an activity/command's list after completing the required steps and issuing the incumbents of the positions the required 30-day individual notice(s).

4. If the chain of command determines that the requested addition does not meet the criteria and justification, the request will be returned through the chain of command.

5. The chain of command will evaluate requests for deletions and notify all commands. Where a deletion is approved, the Commander will ensure that positions with the same title and series are removed from each TDP list. Thereafter, incumbents of those deleted positions will no longer be included in the random test pool.

AUG 24 1998

CHAPTER IV
COLLECTION PROCEDURES

Section A. Collection Site Requirements. The collection site is a place where individuals present themselves for the purpose of providing urine specimens. It will be prepared in advance with all necessary materials, equipment, facilities, security and temporary storage and be secured at all times. In cases where the facility cannot be dedicated solely for the purpose of drug testing, or during an emergency collection a restroom in the Medical Department will be used. It will be secured as a collection site facility during drug testing operations. No unauthorized personnel will be permitted in any part of the collection site where urine specimens are collected or stored.

Section B. Collection Site Personnel

1. Collection Site Coordinator. Where the provisions of the CNO centralized contract apply, contractor personnel will perform this function. In other situations, the DPC or alternate will be the Collection Site Coordinator (CSC) and will perform the following functions:

a. Ensure proper preparation of the collection site. This includes obtaining the necessary supplies and making other logistical arrangements for the collection.

b. Ensure urine specimens are collected following the procedures outlined in this instruction, the CPI and DHHS guidelines. ALL CHAIN-OF-CUSTODY PROCEDURES MUST BE SCRUPULOUSLY FOLLOWED.

2. Observers will always be the same gender as the individual providing the specimen. The observer's responsibilities include:

a. Inserting a bluing agent in the toilet bowl before each specimen is collected.

b. Accompanying the individual being tested to and from the designated rest room area.

c. Remaining outside the toilet stall/curtain while the individual provides the sample.

d. Providing the employee with a clean specimen bottle or specimen container.

e. Instructing the individual to place the lid or cap on the specimen bottle and wipe off any overflow while he/she observes.

f. Escorting the individual back to the CSC.

AUG 24 1998

3. Testing of Site Personnel. The DPC, CSC and observers, if scheduled for testing, will be tested separately from other individuals and their samples handled and shipped separately so that none are involved in processing their own specimens.

Section C. Chain of Custody Procedures

1. Collection site personnel will always have the urine specimen bottle/container within sight before and after the individual has urinated. The specimen bottle must also remain in sight until tightly capped, properly sealed and labeled. The Department of Navy's Custody and Control form, will be utilized for maintaining absolute control and accountability from point of collection to final disposition of specimens. With each transfer of possession, the form will be dated, signed by the individual releasing the specimen, signed by the individual accepting the specimen and include the purpose for transferring possession. Every effort will be made to minimize the number of people handling specimens. While any part of the chain of custody procedures are being performed, it is essential that the urine specimens and Custody and Control form, be under the direct control of the involved collection site personnel. If that person must leave the site, the specimen(s) and form(s) will be taken along or secured in a manner to preclude any break in the chain of custody.

Section D. Collection Schedules

1. Collection site personnel will adhere strictly to the collection schedule. Inability to adhere to the schedule will be reported immediately to the DPC. If an individual fails to arrive at the assigned time, the CSC shall contact the DPC. The DPC will provide guidance as to any necessary changes/adjustments to the schedule.

2. Collection extending beyond the regular shift. If the collection extends beyond the end of the employee's regular shift, the following options are available depending on an assessment of the situation by the DPC after a discussion with the employee's supervisor or higher level manager:

a. The DPC may require the employee to remain at the collection site after the end of the employees work shift. Overtime or compensation time will be provided to the employee.

b. The DPC may release the employee, for random testing, but will reschedule at a later date.

Section E. Collection Procedures (Unobserved)

1. Upon the individual's arrival at the collection site, the CSC will request photo identification. If the individual does not have proper identification, the CSC will contact the DPC who will contact the employee's supervisor for positive identification.

AUG 24 1998

If the individual's identity cannot be established, the CSC will not proceed with collection and this fact will be noted on the Custody and Control form. The employee will be told to return to the work site and report to the supervisor.

2. If the individual fails to appear at the collection site or refuses to be tested, the CSC will contact the DPC, who will follow the guidance provided in Chapter III.

3. The CSC will require the individual to remove any unnecessary outer garments (e.g., coat, jacket, coveralls) that might conceal items or substances that might be used to tamper with or adulterate the urine specimen. The individual may retain his or her wallet but all personal belongings (purses, briefcases, lunch pails, etc.) will remain with the outer garments. The CSC will ensure that these personal belongings are placed in a secure place.

4. The individual will be instructed to wash and dry his or her hands prior to urination. After washing, the individual will remain in the presence of the CSC or observer and will not have access to water fountains, faucets, soap dispensers, cleaning agents, or other materials which could be used to adulterate the specimen.

5. The individual will be given a clean specimen bottle or specimen container.

6. To deter dilution of specimens at the collection site, toilet bluing agents will be placed in the toilet tanks for each collection so that the standing water in the toilet bowl always remains blue. This requirement may be met by:

a. Inserting a continuously releasing bluing agent, commonly used in households and available in local stores, into the toilet tank; or

b. Adding a bluing agent such as food coloring to the bowl after each flush.

7. The observer (same gender as the individual) will accompany the individual into the rest room and remain there while the individual is providing the urine specimen. The individual will provide the sample in the privacy of the rest room stall or other partitioned area that allows for individual privacy. Although direct observation is not permitted except under certain circumstances, the observer will be aware of and record any unusual sounds, behavior, or delays by the individual. The individual will be instructed not to flush the toilet.

8. The CSC, upon receipt of the specimen will immediately measure the temperature of the urine. The time from the urination to delivery of the sample for temperature measurement is critical and in no case should it exceed four minutes. If the

AUG 24 1998

temperature of the specimen is outside the range of 32.5-37.7C or 90.5-99.8F, it may give rise to reasonable suspicion of adulteration/substitution of the sample. In this case, after authorization by the DPC, another specimen will be collected under direct observation and both specimens forwarded to the Navy Drug Screening Laboratory (NDSL) (see Section F below our direct observation procedures). An individual may volunteer to have his/her oral temperature taken to provide evidence to counter the reason to believe an individual may have altered or substituted a specimen when the temperature is outside the prescribed range.

9. The CSC will visually examine the specimen for color and signs of contaminants. Any unusual finding resulting from the inspection must be included in the remarks section of the Custody and Control form.

10. If the observer for any reason believes, in his/her professional judgment, that the employee has tampered, adulterated, or substituted his/her sample, the observer will request the employee to remain at the collection site, in the presence of another collection site person. The observer will immediately contact a higher-level collection site supervisor and the DPC to detail the reasons for this belief. If authorized by the DPC, the observer will proceed with a second specimen collection under direct observation as described in Section F. The observer will annotate in the remarks section of the Custody and Control form direct observation. The DPC will document the observer's phone call, reasons for requesting observation and the final decision, including rationale for the decision.

11. The CSC will ensure that the specimen bottle contains at least 30 milliliters of urine. If the specimen is less than 30 milliliters, the temperature of the partial specimen will be measured within the four-minute time limit and annotated and the partial specimen will then be placed in a secure area. The individual will then be given a reasonable amount of fluids to drink and a new specimen container will be provided to collect a second specimen. The temperature of the second specimen will be measured within the prescribed four-minute time limit and if the temperature is within the acceptable range, the second specimen will be added to the first specimen. If the individual's second attempt still fails to provide the necessary quantity, the CSC will contact the DPC to obtain guidance on action to be taken.

12. Both the individual being tested and the CSC should keep the specimen in view at all times prior to its being sealed, labeled and the necessary documentation process completed. The CSC will place the identification label securely on the bottle, place the tamper-proof tape over the bottle cap and down the sides of the bottle, overlapping but not obliterating the information of the label.

AUG 24 1998

13. The individual will initial the label on the specimen bottle, using initials corresponding with the name on the Custody and Control form.

14. After the specimen has been provided, submitted to the CSC and the documentation completed, the individual may wash his or her hands. The collector will instruct the individual to flush the toilet.

15. The CSC will enter the identifying information on the Custody and Control form. The individual must read the statement and certify that the specimen identified is in fact his or hers by signing the Custody and Control form.

Section F. Collection Procedures (Direct Observation)

1. Collection under direct observation will not be made by the collection site person without proper authorization by the DPC. Direct observation procedures will be authorized only in the following circumstances:

a. The individual is being tested for follow up testing.

b. The individual has previously been found by the Department of the Navy to be an illegal drug user and is undergoing follow-up testing. This includes an employee with a safe harbor agreement.

c. Facts and circumstances suggest that the individual has equipment or materials capable of tampering with or adulterating a urine sample.

d. The individual has previously tampered with a sample, or has just given a specimen and the temperature measurement indicates possible adulteration/substitution. Any such reason must be documented in writing and retained with the collection records by the DPC and/or with adverse action files. See sample in Appendix H.

2. Upon the individual's arrival at the collection site, the CSC will request photo identification. If the individual does not have proper identification, the CSC will contact the DPC who will contact the employee's supervisor for positive identification. If the individual's identity cannot be established, the CSC will not proceed with collection and this fact will be noted on the Custody and Control form. The employee will be told to return to the work site and report to the supervisor.

3. If the individual fails to appear at the collection site or refuses to be tested, the CSC will contact the DPC, who will follow the guidance provided in Chapter III.

4. The CSC will require the individual to remove any unnecessary outer garments (e.g., coat, jacket, coveralls) that might conceal

items or substances that might be used to tamper with or adulterate the urine specimen. The individual may retain his/her wallet but all other personal belongings (e.g. purses, briefcases, lunch pails) will remain with the outer garments. The CSC will ensure that these personal belongings are placed in a secure area.

5. The individual will be instructed to wash and dry his/her hands prior to urination. After washing, the individual will remain in the presence of the CSC or observer and will not have access to water fountains, faucets, soap dispensers, cleaning agents, or other materials which could be used to adulterate the specimen.
6. The individual will be given the specimen bottle or specimen container.
7. To deter dilution of specimens at the collection site, toilet bluing agents will be placed in the toilet tanks for each collection so that the standing water in the toilet bowl always remains blue. This requirement may be met by:
 - a. Inserting a continuously releasing bluing agent, commonly used in households and available in local stores, into the toilet tank; or
 - b. Adding a bluing agent such as food coloring to the bowl after each flush.
8. The CSC will advise the individual that the sample will be collected under direct observation.
9. Only the individual providing the sample and the CSC/observer (same gender) will be permitted in the area where the collection is being taken. The CSC/observer will be positioned in such a way during the collection that he/she can be certain that the sample passes directly from the individual's body to the specimen bottle.
10. The CSC, upon receipt of the specimen, will immediately measure the temperature of the urine. The time from urination to delivery of the sample for temperature measurement is critical and in no case should it exceed four minutes. If the temperature of the specimen is outside the range of 32.5-37.7C. to 90.5-99.8F., it may give rise to reasonable suspicion of adulteration/substitution of the sample just collected. In this case, after authorization by the DPC, only one other specimen will again be collected under direct observation and both specimens forwarded to the NDSL. An individual may volunteer to have his/her temperature taken to provide evidence to counter the reason to believe an individual may have altered or substituted a specimen when the temperature is outside the prescribed range.

AUG 24 1998

11. The CSC will visually examine the specimen for color and signs of contaminants. Any unusual finding resulting from the inspection must be included in the remarks section of the Custody and Control form.

12. The CSC will ensure that the specimen bottle contains at least 30 milliliters of urine. If the specimen is less than 30 milliliters the partial specimen will be placed in a secure area. The individual will then be given a reasonable amount of fluids to drink and a new specimen container will be provided to collect a second specimen. The temperature of the second specimen will be measured within the prescribed four-minute time limit and if each sample is within the acceptable range, the partial specimens will be combined into one container. If, after the second attempt, an individual still fails to provide the necessary specimen, the CSC will contact the DPC to obtain guidance on action to be taken.

13. Both the individual being tested and the CSC should keep the specimen in view at all times prior to its being sealed, labeled and the necessary documentation process completed. The CSC will place the identification label securely on the bottle, place the tamper-proof tape over the bottle cap and down the sides of the bottle, overlapping but not obliterating the information on the label.

14. The individual will initial the label on the specimen bottle using initials corresponding with the name in the Custody and Control form.

15. After the specimen has been provided, submitted to the CSC and the documentation complete, the individual may wash his/her hands. The observer will instruct the individual when to flush the toilet.

16. The CSC will enter the identifying information on the Custody and Control form. The individual must read the statement and certify that the specimen identified is in fact his/hers by signing the Custody and Control form.

Section G. Preparation for Shipment and Transportation of Samples

1. All specimens should be shipped as soon as possible after collection. However, if the specimen is not immediately prepared for shipment, it should be refrigerated and must be appropriately secured during temporary storage.

2. All samples must be placed inside a leak-proof container (a single ziplock type bag is not leak-proof) and will be packed with absorbent material. The samples, including Blind Performance Test Samples (BPTSS), will be packed in appropriate cartons, specimen boxes or padded mailers that are securely sealed to prevent tampering. A copy of each individual Custody

AUG 24 1998

and Control form will be enclosed in a waterproof mailer and shipped with the container.

3. The box will be wrapped in brown mailing paper or larger outer mailing wrapper, or if shipping several containers, placed in a larger outer container. All sides of the box or mailer will be sealed with adhesive tape and the preparer will sign and date across the tape all sides where the tape seals the box. The package should be clearly marked as containing clinical specimens. A yellow address label will be used so that civilian samples are readily identifiable.

4. The samples may be sent to the NDSL by one of several acceptable modes of transportation, for example hand delivery, U.S. Postal Service, commercial overnight delivery services, Military Airlift Command, or commercial U.S. airlines.

AUG 24 1998

CHAPTER V
DRUG TEST RESULTS

Section A. Review of Drug Test Results

1. Receipt of results. The NDSL will send or deliver all drug test results, positive and negative, to the Medical Review Officer (MRO) with a certified copy of the Custody and Control form.

2. Procedures

a. Negative Drug Test Result. The MRO will immediately forward all negative drug test results to the DPC who in turn will notify the employee.

b. Positive Drug Test Result. The MRO will initiate a medical review of positive test results to determine if the positive result is evidence of illegal drug use.

(1) The MRO will evaluate alternative medical explanations of a positive test result. This may include conducting a medical interview with the individual, review of the individual's medical history or consideration of other relevant biomedical factors.

(2) Any requests for medical information will be made by the MRO directly to the individual to ensure maximum confidentiality. The MRO will review all medical records, including valid prescriptions, made available by the tested individual when a positive test could have resulted from legally prescribed medications. The individual will have an opportunity to discuss the test results with the MRO, although a face-to-face interview is not required. Individuals are not entitled to present evidence to the MRO in a hearing or other similar administrative proceeding, although the MRO has the discretion to accept evidence in any manner deemed efficient or necessary.

3. Notification

a. Negative drug test results. The MRO will forward all negative drug test results to the DPC who in turn will inform employees of their test results.

b. Verified positive drug test results. If the MRO determines there is no medical justification for the positive result, such result will be considered a verified positive test result. The MRO will forward the report of the verified positive test result promptly to the DPC. The DPC will notify the appropriate Commander, Civilian Employee Assistance Program (CEAP) Administrator and Directorate Director having authority to take a personnel action against the employee. The Human Resource

AUG 24 1998

Officer (HRO) will be notified and he/she will follow all of the specifics from the collective bargaining agreements.

c. There will be one sample taken which will be sent to the designated testing laboratory. If the testing laboratory verifies a positive test, the employee will be detailed from the TDP. He/she may request, in accordance with the DHHS guidelines, that the MRO order a retest of the original sample at another certified laboratory; any such test would be at the employee's expense. If the retest is negative, the employee's detail will be terminated and the employee will be reimbursed for the cost of the retest. If the employee does not elect a retest or if the retest is positive, the employee will be suspended from duty for thirty (30) calendar days and will attend mandatory counseling from a CEAP counselor who is qualified and certified in drug use and addiction. Should the CEAP recommend more in-depth counseling the employee may either go to the recommended counselor or another certified and qualified counselor. If the employee elects not to utilize the CEAP to obtain a referral for such a counselor, he/she must provide a counselor as a point of contact for the DPC. Upon completion of mandatory counseling, the employee will be retested. If the results are negative, the employee will be tested at selected intervals for a period of twelve (12) months beginning at the completion of the mandatory counseling. If any test returns positive, the procedure described above concerning requesting a retest will be followed. If the employee does not request a retest, has a positive test, or the employee refuses to obtain counseling or rehabilitation, the employer will initiate a removal action.

Section B. Consequences of a Positive Test Result. All disciplinary procedures and adverse actions will be taken pursuant to applicable laws and regulations and in accordance with CPI 745 and applicable collective bargaining agreements. Prior to initiating any action against an employee, management officials and supervisors will secure guidance from the DPC and Employee and Labor Relations.

1. First verified positive drug test or first determination of illegal drug use.

a. Upon receipt of a first verified positive drug test or a first determination that an employee used illegal drugs, the supervisor will remove the employee from a sensitive position as defined in Appendix A and reassign the employee to nonsensitive duties if such duties are available. An employee who possesses a security clearance of Secret, Top Secret, or special access, shall no longer have access to classified information in accordance with security regulations. Supervisors will initiate disciplinary action, except under the provisions of "safe harbor" described in Chapter I.

AUG 24 1998

b. The supervisor will issue a letter referring the employee to the CEAP and offering the employee an opportunity to enter a rehabilitation program.

c. The supervisor will initiate an appropriate disciplinary action under applicable rules and regulations. The employee will be charged with illegal drug use.

d. The Commander may return the employee to duty in a sensitive position as part of rehabilitation and counseling program if it would not endanger public health, safety and national security. This determination should consider information obtained from the DPC, the MRO, CEAP personnel, Security Department and Safety Department, and the employee's supervisor.

2. Second verified positive drug test or second determination of illegal drug use.

a. Upon receipt by a management official of a second verified positive drug test or a second determination that an employee uses illegal drugs, initiation of action to remove the employee from the Federal Service is mandatory.

b. The supervisor will initiate action to remove an employee from the Federal Service for such cause as will promote the efficiency of the service. The employee will be charged with failure to refrain from illegal drug use. The employee will not be offered a second opportunity to enter a rehabilitation program.

Section C. Exemption

1. During Treatment and Rehabilitation. While undergoing initial treatment or rehabilitation through the CEAP, and at the request of the CEAP Administrator, the employee may be exempted from random testing for a period not to exceed 60 days or for a time period specified in a rehabilitation plan. Upon completion of the stipulated exemption, the employee will be included in a separate testing pool as a part of or as follow-up to counseling or treatment for illegal drug use for a period of one year, in addition to remaining in the regular random testing pool if occupying a TDP.

AUG 24 1998

DEFINITIONS

1. Access. As defined in OPNAVINST 5510.1H, the ability and opportunity to obtain knowledge or possession of classified information. An individual may have access to classified information merely by being in a place where such information is kept, if the security measures which are in effect do not prevent him or her from gaining knowledge or possession of classified information.
2. Accident. Any unplanned or unexpected event.
3. Applicant. Any individual who applies for or is otherwise being considered for placement in a TDP.
4. Blind Performance Test Specimens. An audit of the accuracy of the screening process and check on the chain of custody of urine specimens. This is accomplished by submitting prepared urine samples (blind samples) to the NDSL along with the urine samples collected from employees by the activity. These blind samples must meet the specifications of the Department of Health and Human Services (DHHS) guidelines and requirements.
5. Chain of Custody. Procedures to ensure the integrity of each urine sample by tracking its handling and storage from point of collection to final disposition.
6. Collection Site. The collection site is a place where individuals present themselves for the purpose of providing urine specimens.
7. Collection Site Coordinator. An individual assigned by the DPC to a collection site who has full responsibility for coordinating all collection activities at that site including instructing and assisting individuals being tested, determining the temperature of the urine specimen, etc.
8. Controlled substances included in Schedule I or II of the CSA, as defined by 21 U.S.C. 802(6), the possession of which is unlawful under 21 U.S.C., Chapter 13, or any others subsequently approved by DHHS for testing.
9. Drugs tested. These are cocaine, cannabis (marijuana), opiates, amphetamines and phencyclidine (PCP). When conducting reasonable suspicion, accident or unsafe practice testing, the urine may be tested for any drug listed in Schedule I or II of the CSA.

Appendix A
to Enclosure (1)

AUG 24 1998

10. Illegal Use of Drugs/Illegal Drug Use. These two terms are used interchangeably in this instruction to refer to the use of an illegal drug or a drug for which the individual does not have a valid prescription, or other use not authorized by law.
11. Medical Review Officer. A licensed physician responsible for receiving laboratory results generated by the DFWP who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual's positive test result together with his/her medical history and any other relevant biomedical information.
12. Observer. An individual assigned responsibility for accompanying the person being tested while he or she is providing the specimen.
13. Random Testing. A system of drug testing imposed without individualized suspicion that a particular individual is using illegal drugs. Random testing may either be uniform unannounced testing of TDP employees working in a specific geographic area, organizational unit, or position; or randomly selected employees based on a neutral criterion, such as social security number.
14. Safe Harbor. A provision of the DFWP which gives an employee a one-time opportunity to voluntarily identify himself or herself as a user of illegal drugs willing to undertake counseling and, as necessary, rehabilitation. "Safe harbor" insulates the employee from discipline for admitting to drug trafficking or other drug-related offenses.
15. Sensitive Positions. For the purposes of this instruction, this term means:
 - a. An employee in a position designated by the Secretary of the Navy as Special-Sensitive, Critical-Sensitive, or Noncritical-Sensitive under Chapter 731 of the Federal Personnel Manual; or an employee in a position designated by the Secretary of the Navy as sensitive, per Executive Order 10450, as amended.
 - b. An employee granted access to classified information or who may be granted access to classified information pursuant to a determination of trustworthiness by the Secretary of the Navy under Section 4 of Executive Order 12356.
 - c. Individuals serving under Presidential appointments.
 - d. Law Enforcement Officers as defined in 5 U.S.C. 8331(20).

Appendix A
to Enclosure (1)

AUG 24 1998

e. Employees in other positions that the Secretary of Navy determines: law enforcement, national security, the protection of life and property, public health or safety, or other functions requiring a high degree of trust and confidence. To meet this definition, the sensitive position must be a TDP.

16. Testing Designated Positions. Positions within the Department of the Navy which have been determined to meet the criteria for random drug testing.

17. Urine Sample/Urine Specimen. These two terms are used interchangeably in the instruction to refer to the urine collected from an individual which will be tested for evidence of illegal drug use.

18. Verified Positive Test Result. A test result that has been screened positive by a Food and Drug Administration approved immunoassay test, confirmed by a gas chromatography/mass spectrometry assay (or other confirmatory tests approved by DHHS) and determined by the MRO to have no legitimate medical reason for the drug's presence in the employee's system.

Appendix A
to Enclosure (1)